



## CITY OF PHILADELPHIA

*Re: 109*  
**DEPARTMENT OF PUBLIC HEALTH**  
**Donald F. Schwarz, MD, MPH**  
*Deputy Mayor for Health & Opportunity*  
*Health Commissioner*

**Nan Feyler, JD, MPH**  
*Chief of Staff*

**Air Management Services**  
**Thomas Huynh**  
*Director*

**Facility Compliance & Enforcement**  
321 University Avenue, 2nd Floor  
Philadelphia, PA 19104

Telephone (215) 685-7572  
Fax (215) 685-7593

### NOTICE OF VIOLATION

CERTIFIED MAIL NO: 7008 1300 0001 7906 6130

April 6, 2010

Charles D. Barksdale Jr.  
Manager, Environmental Department  
Sunoco, Inc., Philadelphia Refinery  
3144 Passyunk Avenue  
Philadelphia, PA 19145-5299

**RE: Sunoco Philadelphia Refinery**

**PLID No.: 01501**

Air Management Services (hereinafter "AMS") is charged with enforcement of Title 3 of the Philadelphia Code of Ordinances, known as the Air Management Code (hereinafter "AMC") and the Air Management Regulations (hereinafter "AMRs") promulgated thereunder, which incorporate certain state and federal regulations, including those of the Environmental Quality Board of Pennsylvania contained in 25 Pa. Code §§ 121-129 and 131-145, and those of the United States Environmental Protection Agency (hereinafter "EPA") including 40 C.F.R. § 52.21 (Prevention of Significant Deterioration of Air Quality), and 40 C.F.R. pts. 60 (New Source Performance Standards), 61 (National Emissions Standards for Hazardous Air Pollutants), and 63 (Maximum Achievable Control Technology). The AMRs applicable hereto are part of the EPA approved State Implementation Plan for Philadelphia County, for the Metropolitan Philadelphia Interstate Air Quality Control Region, 40 C.F.R. § 52.2020, pursuant to the Federal Clean Air Act, 42 U.S.C. §§ 7401-7671q. The City of Philadelphia is also authorized pursuant to the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 4001-4015 to enforce the applicable provisions of the Pa. Code cited above.

Sunoco Inc. (hereinafter "Sunoco") owns and operates the Sunoco Philadelphia Refinery located at 3144 Passyunk Ave, Philadelphia, PA 19145 (hereinafter "Facility"). Sunoco submitted various reports, including Continuous Emissions Monitoring, Semi-Annual, and SO<sub>2</sub> Quarterly reports, pertaining to Facility operations from July 2009 through the end of January 2010. On or about February 22, 2010, AMS completed a full review of said reports and identified the following violations pursuant to the authority cited above:

<u>No.</u>	<u>Code/Statute Reference</u>	<u>Description of Violation(s)</u>
1.	Title V Operating Permit V95-038, § C.3(a)  25 Pa. Code § 127.444  25 Pa. Code § 123.41  AMC § 3-306(5)  AMR XIII	Sunoco's 868 Fluid Catalytic Cracking Unit (hereinafter "FCCU") exceeded its applicable opacity limits during the third quarter of 2009. There were 40 minutes of emissions equal to or greater than 20% opacity for a period or periods aggregating more than 3 minutes in any one hour and 16 minutes of emissions equal to or greater than 60% opacity.    On February 26, 2009, Sunoco's 433 H-1 Heater exceeded its applicable 20/60 opacity limits for 5 minutes.
2.	Title V Operating Permit V95-038, § D.3  40 C.F.R. § 60.105(e)(3)(ii)  25 Pa. Code § 127.444  AMC § 3-306(5)  AMR XIII	On September 18, 2009 the 1332 H-2 Heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H <sub>2</sub> S for 3 hours.   On September 18, 2009 the 137 F-3 Heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H <sub>2</sub> S for 2 hours, then again on September 23, 2009 for 1 hour and again on September 29, 2009 for 2 hours. (Each occurrence is a separate violation.)
3.	25 Pa. Code § 123.21(b)  AMC Chapter 3-306(5)  AMR III Section II.B	Sunoco's 867 Sulfur Recovery Unit exceeded its 500 ppm SO <sub>2</sub> limit on July 31, 2009 for 1 hour, on September 21, 2009 for 1 hour, September 23, 2009 for 2 hours, on September 24, 2009 for 2 hours, on September 25, 2009 for 1 hour, on September 29, 2009 for 2 hours, on September 30, 2009 for 1 hour, on October 3, 2009 for 1 hour, on October 4, 2009 for 1 hour, October 27, 2009 for 1 hour and on December 14, 2009 for 1 hour. (Each occurrence is a separate violation.)
4.	Title V Operating Permit V95-038, § D.6(a)(1)  40 C.F.R. § 60.104(a)(2)(i)  25 Pa. Code § 127.444  AMC § 3-306(5)  AMR § XI  AMR XIII	Sunoco's 867 Sulfur Recovery Unit exceeded its 250 ppm SO <sub>2</sub> limit for 5 hrs. on September 21, 2009, on September 22, 2009 for 3 hours, on September 23, 2009 for 6 hours, on September 24, 2009 for 18 hours, on September 25, 2009 for 13 hours, on September 29, 2009 for 1 hour, on September 30, 2009 for 8 hours, on October 3, 2009 for 17 hours, on October 4, 2009 for 8 hours, on October 27, 2009 for 5 hours, and on October 28, 2009 for 5 hours. (Each occurrence is a separate violation.)

5. Title V Operating Permit V95-038, § Sunoco's 867 Sulfur Recovery Unit exceeded its 31.72 lbs/hr  
D.6(a)(2) SO<sub>2</sub> limit for 1 hour on September 22, 2009, on September 23,  
2009 for 1 hour and on September 29, 2009 for 3 hours. (Each  
occurrence is a separate violation.)  
25 Pa Code § 129.13  
25 Pa Code § 127.444  
AMC Chapter 3-306(5)  
AMR I Section XI  
AMR XIII
6. Title V Operating Permit V95-038, § Sunoco's 867 Sulfur Recovery Unit exceeded its 15.36 lbs/hr  
D.6(a)(3) SO<sub>2</sub> limit for 4 hours on September 25, 2009.  
25 Pa. Code § 129.13  
25 Pa. Code § 127.444  
AMC § 3-306(5)  
AMR I § XI  
AMR XIII
7. Title V Operating Permit V95-038, § Sunoco's PB South Yard North Flare was operated without a  
D.4(b) pilot flame on October 3, 2009 for 8 minutes, and on October 15,  
2009 for 3 minutes. (Each occurrence is a separate violation.)  
40 C.F.R. § 60.18(c)(2)  
40 C.F.R. § 63.11(b)(5)  
25 Pa. Code § 127.444  
AMC § 3-306(5)  
AMR I § XI  
AMR XIII
8. Title V Operating Permit V95-038, § Sunoco failed to test refinery fuel gas for Sulfur content on  
D.1 (b)(5)(i) December 21, 2009 and December 25, 2009. (Each occurrence  
is a separate violation.)  
25 Pa. Code § 127.444  
AMC § 3-306(5)  
AMR XIII

9. Plan Approval #04322 issued on February 28, 2006, condition 5 Sunoco's 1232 FCCU exceeded its emission limit of 500 ppm CO 1 hour average on June 7, 2009 for 9 hours.
- 25 Pa. Code § 127.25 Sunoco's 1232 FCCU wet gas scrubber exceeded its emission limit of 500 ppm CO 1 hour average on September 13, 2009 for 1 hour.
- AMC § 3-306(5)
- AMR XIII
10. Title V Operating Permit V95-038, § D.1 (b)(5)(ii) Sunoco failed to test fuel oil transfers to the #3 boiler house for Sulfur content on February 1, 2009, February 9, 2009, February 18, 2009, March 5, 2009, June 17, 2009, July 8, 2009, July 14, 2009, July 21, 2009, July 23, 2009, and August 17, 2009. (Each occurrence is a separate violation.)
- 25 Pa. Code § 127.444
- AMC § 3-306(5)
- AMR XIII
11. Plan Approval #04322 issued on February 28, 2006, condition 5 Sunoco's 1232 FCCU failed its stack test due to exceeding its emission limit of 40.0 lbs/hr PM/PM10 and its 0.014 grains/dscf @ 3% O<sub>2</sub> limit on November 19, 2009.
- 25 Pa. Code § 139
- AMC § 3-306(5)
- AMR XIII
12. Title V Operating Permit V95-038, § D.28(a)(8) A bad water seal at 210 Still was not repaired in 15 days.
- 40 C.F.R. § 63.139(f) A bad water seal located on equipment associated with the Cumene Unit did not have a documented repair date within 15 days.
- 25 Pa. Code § 127.444
- AMC § 3-306(5)
13. Title V Operating Permit V95-038, § D.23 During the 3<sup>rd</sup> quarter of 2009 drain inspections were not conducted weekly while the unit was shut down.
- 40 C.F.R. § 60.692-2(a)(3)
- 25 Pa. Code § 127.444
- AMC § 3-306(5)
- AMR XIII

14. Title V Operating Permit V95-038, § D.27 Due to failure to follow oil-separator maintenance and / or operating procedures, waste oil was observed on the #2 separator deck on July 31, 2009, and on September 3, 2009. Waste oil was also observed on the #2 separator cover on August 2, 2009, August 9, 2009, August 11, 2009, August 29, 2009, and October 24, 2009.
- 25 Pa. Code § 127.444
- AMC § 3-306(5)
- AMR XIII
- Due to failure to follow oil-separator maintenance and / or operating procedures, waste oil was observed on the #4 separator cover on November 18, 2009
- Due to failure to follow oil-separator maintenance and / or operating procedures, waste oil was observed on the PB Bio Plant separator cover on August 22, 2009 and August 29, 2009.
15. Title V Operating Permit V95-038, § D.16 Due to failure to follow storage tank maintenance and / or operating procedures, oil was found on the roof of PB Tk-841 on August 17, 2009.
- 40 C.F.R. §§ 63.940-63.949
- 25 Pa. Code § 127.444
- AMC § 3-306(5)
- AMR XIII
16. Title V Operating Permit V95-038, § D.7 During the 2<sup>nd</sup> half of 2009 open ended lines were found during internal inspections.
- 40 C.F.R. § 60.480
- 40 C.F.R. § 60.590
- 40 C.F.R. § 63.648
- 40 C.F.R. §§ 61.110-61.112
- 25 Pa. Code § 129.58
- 25 Pa. Code § 127.444
- AMC § 3-306(5)
- AMR V § XIII.A
- AMR XIII
- During the 4<sup>th</sup> quarter of 2009 four (4) VOC fugitive emission components were not repaired within time period required.
- During the 4<sup>th</sup> quarter of 2009 one (1) VOC fugitive emission component was not tested within the required time period following its repair.

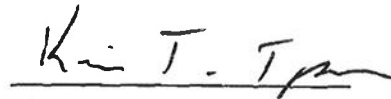
The above-noted violations combined with your EPA defined Major Source classification requires that AMS place your company on the EPA High Priority Violators List and resolve this NOV within 270 days from the date when your Facility was found non-compliant. AMS is also required to recover, as a penalty, any economic benefit realized by the company as a result of non-compliance.

You may request, within 10 days from the receipt of this NOV, a meeting with AMS to discuss the above noted violations. You should direct any compliance notification, corrective action plan, request for a conference, or questions to:

Thomas Barsley  
Engineering Supervisor  
Air Management Services  
321 University Avenue, Second Floor  
Philadelphia, PA 19104  
(215) 685-9417

Please note that you have the right to appeal this NOV pursuant to § 5-1005 of the Philadelphia Home Rule Charter. However, be advised that the exercise of your appeal rights does not prevent the Commonwealth and/or the EPA from taking separate enforcement action, will not stay any above directed action, or stay other enforcement remedies available to the City, including, but not limited to, license revocation, assessment of penalties up to \$25,000 per violation per day, remedial action, and/or criminal prosecution.

**THIS NOTICE IS FINAL AND EFFECTIVE IMMEDIATELY UPON RECEIPT**



Kevin T. Tyson  
Environmental Engineer  
Air Management Services

Cc: Thomas Barsley, Engineering Supervisor

**Bcc: Thomas Huynh, Director  
Edward Braun, Regulatory Services Program Manager  
Roger Fey, Chief of Facility Compliance and Enforcement  
Patrick O'Neill, Deputy Divisional Solicitor**



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